

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI

DAVE CONRAD,

Plaintiff,

vs.

MORGANTOWN FREIGHT, INC.

and

DAVID DAUGHERTY,

Defendants.

CASE NO. 1:20-cv-777

JUDGE

**NOTICE OF REMOVAL**

Come now Defendants Morgantown Freight, Inc. and David Daugherty, by and through counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and give notice of removal of this action from the Common Pleas Court for Hamilton County, Ohio to the United States District Court for the Southern District of Ohio, Western Division at Cincinnati, and in support thereof, states as follows:

**REMOVAL IS TIMELY & CONSENT TO REMOVAL**

1. On September 10, 2020, Plaintiff Dave Conrad (“Conrad”) commenced a civil action against Defendants Morgantown Freight, Inc. (“Morgantown”) and David Daugherty (“Daugherty”) in the Common Pleas Court for Hamilton County, Ohio, under Case Number A-2003168, which was captioned as *Dave Conrad v. Morgantown Freight, Inc., et al.* (“the state court action”). A true and accurate copy of the complaint is attached as **Exhibit A**.

2. On or about September 21, 2020, Morgantown and Daugherty became aware of the state court action and have seen the complaint from the state court action, but they have not yet been served with the summons and complaint in the state court action.

3. Therefore, this notice of removal is filed timely. 28 U.S.C. § 1446(b)(1).

4. Morgantown and Daugherty consent to removal. 28 U.S.C. § 1446(b)(2)(A).

5. Pursuant to 28 U.S.C. § 1446(d), upon filing this notice of removal, Morgantown and Daugherty will file a notice of filing of notice of removal in the Common Pleas Court for Hamilton County, Ohio. A true and accurate copy of the notice of filing of notice of removal is attached as **Exhibit B**.

**COMPLETE DIVERSITY OF CITIZENSHIP EXISTS**

6. Conrad, the plaintiff, is a natural person and citizen of the State of Ohio.

7. Daugherty, a defendant, is a natural person and citizen of the Commonwealth of Kentucky.

8. Morgantown, a defendant, is a corporation; Morgantown was incorporated in the Commonwealth of Kentucky; Morgantown is domiciled in the Commonwealth of Kentucky; and Morgantown has its principal place of business in the Commonwealth of Kentucky.

9. Therefore, complete diversity of citizenship exists because the plaintiff and the defendants are citizens of different states.

**AMOUNT-IN-CONTROVERSY IS SATISFIED**

10. In paragraph 10 of the complaint, Conrad alleges that Daugherty was negligent in causing a motor vehicle accident which proximately caused Conrad to sustain a “closed displaced fracture of the scapula, a traumatic brain injury, multiple rib fractures, compression fracture of the thoracic vertebrae, a subarachnoid bleed, and injury to his brachial plexus . . . .”

11. In paragraph 10 of the complaint, Conrad alleges that he “has endured great pain and suffering of both mind and body will continue to endure such pain and suffering in the future.”

12. In paragraph 10 of the complaint, Conrad alleges that he has suffered over \$180,000 in economic damages for past and future medical bills and lost wages.

13. If Conrad proves all of his claims, his compensatory damages are more likely than not to exceed \$75,000, exclusive of interest, costs, expenses, and attorneys' fees.

14. Therefore, the amount-in-controversy in the state court action exceeds \$75,000, and the amount-in-controversy requirement is satisfied for removal.

**THIS COURT HAS DIVERSITY JURISDICTION**

15. Based on the above, this Court has original subject matter jurisdiction over this action, pursuant to 28 U.S.C. § 1332, because the complaint presents a case where the amount-in-controversy exceeds \$75,000 and the controversy exists between citizens of different states.

16. The defendants each consent to removal, and removal is timely.

17. A copy of the docket and all process and pleadings which have been filed in the state court action, including the complaint, are attached hereto as **Exhibit C**.

18. Defendants will promptly file a notice of filing of notice of removal with Clerk of Court for Hamilton County, Ohio, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants Morgantown Freight, Inc. and David Daugherty, by and through counsel, pray that this Court accept this notice of removal and that this Court assume jurisdiction over this action.

Respectfully submitted,

s/ Chad M. Sizemore

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*Attorney for Defendants David Daugherty  
and Morgantown Freight, Inc.*

**CERTIFICATE OF SERVICE**

On this September 29, 2020, I certify that I served a true and accurate copy of the foregoing Notice of Removal, by regular U.S. Mail, upon:

Elizabeth L. Acciani, Esq.  
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*Counsel for Plaintiff*

/s/ Chad M. Sizemore

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